

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 21-263 (WMW/JFD)**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KI CHEUNG YAU,

Defendant.

**ORDER GRANTING MOTION FOR
EXTENSION OF TIME TO COMPLETE
DEFENDANT'S COMPETENCY
EVALUATION**

This matter is before the Court on the United States' motion for an extension of time to complete Defendant Ki Cheung Yau's competency evaluation. (Dkt. No. 52.) Counsel for the Defendant does not oppose the motion. (Dkt. No. 52 at 1.) Additionally, the Court has received notice from the parties that Defendant departed for the designated facility for his competency evaluation on March 21, 2022.

Accordingly, based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that the United States' motion (Dkt. No. 52) is **GRANTED** as follows:

1. Defendant Ki Cheung Yau shall continue to be committed to the custody of the Attorney General for placement in a suitable Federal Correctional Institution to be examined for competency for 30 days from the date of his arrival at the designated facility for his competency evaluation, with leave for the Director of Psychology Services for that Federal Correctional Institution to apply for a reasonable extension of time pursuant to 18 U.S.C.

§ 4247(b). Once known, the parties shall immediately file a joint notice with the Court providing notification of Mr. Yau's arrival date at the designated facility so that time under this Order can be accurately accounted for.

2. The United States Marshal's Service shall promptly transport Defendant to the designated Federal Correctional Institution as soon as practicable.
3. The Court directs that the ordered psychiatric evaluation assess Defendant's competency to stand trial and assist in his defense. The report of examination should include Defendant's history and present symptoms; a description of the psychiatric, psychological, and medical tests that were employed and their results; the examiner's findings; and the examiner's opinions as to diagnosis and prognosis. *See* 18 U.S.C. § 4247(c). The Court further directs that the evaluation include the examiner's opinions as to whether Defendant is suffering from a mental disease or defect rendering him unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. *See* 18 U.S.C. § 4247 (c).
4. The report of Defendant's psychiatric examination by the Federal Correctional Institution shall be filed with the Court, with copies provided to the Assistant United States Attorney and to Defense counsel pursuant to 18 U.S.C. § 4247(c), as soon as practicable following the examination.
5. A hearing pursuant to 18 U.S.C. §§ 4241(c) and 4247(d) shall be scheduled by the Court upon completion of the evaluation and report directed above.

6. As stated in the Court’s Order on February 15, 2022 (Dkt. No. 51), the entire pendency of Defendant’s motion to determine competency (Dkt. No. 47) until the Court’s Order on the Defendant’s competency to stand trial is issued is excluded from Speedy Trial Act computations. *See* Title 18 U.S.C. § 3161(h)(1)(A) (excluding “delay resulting from any proceeding, including any examinations, to determine the mental competency or physical capacity of the defendant”).

Dated: March 21, 2022

s/ John F. Docherty
JOHN F. DOCHERTY
United States Magistrate Judge